

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
★ 12-11-13 ★
BROOKLYN OFFICE

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BOARD OF TRUSTEES OF THE UNITED
UNION OF ROOFERS, WATERPROOFERS
& ALLIED WORKERS LOCAL UNION
NO. 8 W.B.P. & A. FUNDS,

MEMORANDUM & ORDER
ADOPTING
REPORT & RECOMMENDATION

Plaintiffs,

-against-

12-CV-1655 (SLT)(MDG)

BEST ROOFING OF NEW JERSEY, INC.,

Defendant.

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TOWNES, United States District Judge:

On April 2, 2012, the Board of Trustees of the United Union of Roofers, Waterproofers & Allied Workers Local Union No. 8 W.B.P. & A. Funds ("Plaintiffs") filed this action for the collection of unpaid benefit contributions pursuant to the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §§ 1132(a)(3) and 1145. On April 30, 2013, after Plaintiffs had remedied two deficient requests, default was entered against defendant Best Roofing of New Jersey, Inc. ("Best Roofing"). On May 30, 2013, Plaintiffs moved for a default judgment against Best Roofing, which this Court referred to Magistrate Judge Marilyn D. Go for a Report and Recommendation ("R&R").

On March 7, 2014, Judge Go issued an R&R recommending that a default judgment should be entered as to liability and that damages, limited to allegations contained in the complaint, should be awarded in the amount of \$466,772.75.

Under 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, parties have fourteen days from the service of an R&R to file written objections. See also Fed. R. Civ. P. 6(a) and (d). The Court has received no such objections. Accordingly, the Court has reviewed the R&R for clear error on the face of the record. Accord Edwards v. Town of

Huntington, No. 05 Civ. 339 (NGG) (AKT), 2007 WL 2027913, at *2 (E.D.N.Y. July 11, 2007); McKoy v. Henderson, No. 05 Civ. 1535 (DAB), 2007 WL 678727, at *1 (S.D.N.Y. Mar. 5, 2007). The Court finds no clear error and therefore adopts Judge Go's R&R in its entirety as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

CONCLUSION

For the reasons stated above, Judge Go's Report and Recommendation (Docket No. 19) is ADOPTED in its entirety and Plaintiffs' motion for a default judgment against Best Roofing (Docket No. 11) is GRANTED. Judgment is in the amount of \$466,772.75, including: (1) unpaid contributions of \$314,376.96; (2) interest on unpaid contributions of \$150,588.26 through March 31, 2014, and thereafter at a daily rate of \$206.71 until the entry of judgment; (3) interest on late-paid contributions of \$1,417.53; and (4) costs of \$390. The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

/s/(SLT)

/SANDRA L. TOWNES
United States District Judge

Dated: *March 27, 2014*
Brooklyn, New York